

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Kathleen Ann Pianta
Debtor(s)

Bankruptcy Case No.: 17-11049-TPA
Per April 10, 2018 Proceeding
Chapter: 13
Docket No.: 28 – 19, 22
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated November 10, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,521.00 as of April, 2018. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: PNC Bank (Claim No. 4) .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: April 12, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Kathleen Ann Pianta
 Debtor

Case No. 17-11049-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: vson
 Form ID: 149

Page 1 of 2
 Total Noticed: 27

Date Rcvd: Apr 12, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 14, 2018.

db
 14715204 +Kathleen Ann Pianta, 3705 Lochiel Avenue, Erie, PA 16505-1738
 ++CITIBANK, PO BOX 790034, ST LOUIS MO 63179-0034
 (address filed with court: Best Buy, P.O. Box 78009, Phoenix, AZ 85062-8009)
 14715205 +CitiBank N.A., P.O. Box 6497, Sioux Falls, SD 57117-6497
 14715207 +Comenity Bank/Peebles, P.O. Box 182789, Columbus, OH 43218-2789
 14703485 +Convergent Healthcare Recoveries, Inc., 121 NE Jefferson Street, Suite 100,
 Peoria, IL 61602-1229
 14703486 +Erie Bank, 2035 Edinboro Road, Erie, PA 16509-3452
 14703487 +First National Bank of Pennsylvania, 4140 East State Street, Hermitage, PA 16148-3401
 14715212 +National City Bank of Pennsylvania, P.O. Box 8800, Dayton, OH 45401-8800
 14703489 +PNC Bank, 2730 Liberty Avenue, Pittsburgh, PA 15222-4747
 14703488 PNC Bank, P.O. Box 1820, Dayton, OH 45401-1820
 14786635 +PNC Bank, National Association, PO Box 94982, Cleveland, OH 44101-4982
 14753694 +PNC Bank, National Association, Attn: Bankruptcy, 3232 Newmark Drive,
 Miamisburg, OH 45342-5421
 14715213 +Peebles, Comenity Bank, P.O. Box 182273, Columbus, OH 43218-2273
 14715218 #+Regional Home Health & Hospice, 2564 Village Common Drive, Erie, PA 16506-7202
 14703492 +Robert N. Polas, Esquire, Carrie A. Brown, Esquire, Mark R. Garvey, Esquire,
 120 Corporate Blvd., Norfolk, VA 23502-4952
 14715220 +Saint Vincent Health Center, 232 West 25th Street, Erie, PA 16544-0001
 14715221 +Saint Vincent Institute, 3530 Peach Street, LLI, Erie, PA 16508-2768
 14703493 +UPMC Hamot, P.O. Box 382059, Pittsburgh, PA 15250-0001
 14782336 UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123
 14715225 UPMC Health Services, P.O. Box 341472, Pittsburgh, PA 15250-7472

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14715206 +E-mail/Text: BANKRUPTCY@BANKCNB.COM Apr 13 2018 01:27:09 CNB Bank, P.O. Box 42,
 Clearfield, PA 16830-0042
 14715209 E-mail/Text: Bankruptcy@myl00bank.com Apr 13 2018 01:27:04 Customer Service,
 P.O. Box 30495, Tampa, FL 33630
 14703490 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 13 2018 02:07:44
 Portfolio Recovery Associates Inc., P.O. Box 12914, Norfolk, VA 23541-0914
 14703491 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 13 2018 02:07:44
 Portfolio Recovery Associates, Inc., Riverside Commerce Center, 120 Corporate Blvd.,
 Norfolk, VA 23502-4952
 14715222 +E-mail/PDF: gecsedirecoverycorp.com Apr 13 2018 01:31:13 Synchrony Bank/J.C. Penney,
 P.O. Box 965007, Orlando, FL 32896-5007
 14715223 +E-mail/Text: BankruptcyNotice@upmc.edu Apr 13 2018 01:27:03 UPMC, 2 Hot Metal Street,
 Room 386, Pittsburgh, PA 15203-2348
 14749351 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Apr 13 2018 01:39:02 Verizon,
 by American InfoSource LP as agent, PO Box 248838, Oklahoma City, OK 73124-8838
 TOTAL: 7

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr
 14715208* PNC BANK, NATIONAL ASSOCIATION
 +Convergent Healthcare Recoveries, Inc., 121 NE Jefferson Street, Suite 100,
 Peoria, IL 61602-1229
 14715210* +Erie Bank, 2035 Edinboro Road, Erie, PA 16509-3452
 14715211* +First National Bank of Pennsylvania, 4140 East State Street, Hermitage, PA 16148-3401
 14715215* +PNC Bank, 2730 Liberty Avenue, Pittsburgh, PA 15222-4747
 14715214* PNC Bank, P.O. Box 1820, Dayton, OH 45401-1820
 14712682* ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067
 (address filed with court: Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541)
 14715216* +Portfolio Recovery Associates Inc., P.O. Box 12914, Norfolk, VA 23541-0914
 14715217* +Portfolio Recovery Associates, Inc., Riverside Commerce Center, 120 Corporate Blvd.,
 Norfolk, VA 23502-4952
 14715219* +Robert N. Polas, Esquire, Carrie A. Brown, Esquire, Mark R. Garvey, Esquire,
 120 Corporate Blvd., Norfolk, VA 23502-4952
 14715224* +UPMC Hamot, P.O. Box 382059, Pittsburgh, PA 15250-0001

TOTALS: 1, * 10, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
 While the notice was still deliverable, the notice recipient was advised to update its address with the court
 immediately.

District/off: 0315-1

User: vson
Form ID: 149

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Total Noticed: 27

Date Rcvd: Apr 12, 2018

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 14, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 12, 2018 at the address(es) listed below:

James Warmbrodt on behalf of Creditor PNC BANK, NATIONAL ASSOCIATION bkgroup@kmlawgroup.com
Michael S. Jan Janin on behalf of Debtor Kathleen Ann Pianta mjanjanin@quinnfirm.com,
knottingham@quinnfirm.com;mboni@quinnfirm.com;mgleba@quinnfirm.com;mmbquinnbankruptcy@gmail.com;m
myers@quinnfirm.com
Office of the United States Trustee ustregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 4